

**FILED**

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

OCT 22 2024

MOLLY C. DWYER, CLERK  
U.S. COURT OF APPEALS

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

MARK SCHENA,

Defendant - Appellant.

No. 23-2989

D.C. No.

5:20-cr-00425-EJD-1

Northern District of California,  
San Jose

ORDER

UNITED STATES OF AMERICA,

Plaintiff - Appellant,

v.

MARK SCHENA,

Defendant - Appellee.

No. 23-3965

D.C. No.

5:20-cr-00425-EJD-1

Northern District of California,  
San Jose

The government's unopposed motion (Docket Entry No. 28 in Appeal No.

23-3965) for voluntary dismissal of cross-appeal No. 23-3965 is granted. Cross-

appeal No. 23-3965 is dismissed. *See* Fed. R. App. P. 42(b).

The answering brief in Appeal No. 23-2989 remains due October 23, 2024.

The optional reply brief is due within 21 days after service of the answering brief.

This order served on the district court acts as the mandate of this court for

cross-appeal No. 23-3965 only.

FOR THE COURT:

MOLLY C. DWYER  
CLERK OF COURT